



Montoya, Darlene <dmontoya@nmag.gov>

RE: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

5 messages

Montoya, Darlene <dmontoya@nmag.gov>
To: dford@cityofclovis.org

Mon, Dec 19, 2016 at 1:40 PM

Chief:

Attached please find correspondence from the Law Enforcement Board Subcommittee regarding the above-referenced matter.

If you have any questions or concerns, please do not hesitate to contact me. Thank you.

--
Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:(505)490-4854)



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79K

Doug Ford <dford@cityofclovis.org>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Thu, Feb 2, 2017 at 10:55 AM

Ms. Montoya

I apparently missed this email and received the follow up letter. Here are the policies from our agency you were asking about. Hope you have a great day and let me know if you have any other questions.

[Quoted text hidden]

--
Douglas R. Ford
Chief of Police
Clovis Police Department
300 N. Connelly
Clovis, NM 88101
Office: [\(575\) 763-9432](tel:(575)763-9432)
E-mail: dford@cityofclovis.org



I.9 Use of Force & Firearms Policy_Revised_Sep_2014.pdf

277K

Montoya, Darlene <dmontoya@nmag.gov>
To: Doug Ford <dford@cityofclovis.org>

Thu, Feb 2, 2017 at 11:13 AM

Thank you Chief Ford. As part of the request, the LEAB Subcommittee wanted to also know how often these policies are reviewed and/or revised; and, how often your officers receive training on these SOPs. Please let me know via email and I will attach your response to your SOPs.

[Quoted text hidden]

Doug Ford <dford@cityofclovis.org>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Thu, Feb 2, 2017 at 11:14 AM

Ms. Montoya

The last revision will be listed on the front page of the policy. They are reviewed when necessary and gone over when Officers are hired and during our April training with all sworn personnel. I appreciate your time and hope you have a great day.



[Quoted text hidden]

Montoya, Darlene <dmontoya@nmag.gov>
To: Doug Ford <dford@cityofclovis.org>

Thu, Feb 2, 2017 at 11:15 AM

Thank you again. Have a wonderful day and stay safe.

[Quoted text hidden]

	Clovis Police Department Policies & Procedures		Policy No: I.9 Issued: 5/20/10 Revised: REVISION
			Responsible for Review: Administration
Title: I Authority	Chapter: 9 Use of Force & Firearms AMENDED POLICY	Approved:  Chief of Police	

I. Purpose: The purpose of this policy is to provide officers guidelines, for the use of deadly and non-deadly force.

II. Policy: Officers shall only use force that is reasonable and appropriate to bring an incident under control, while protecting the lives of the officer and others. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances. (CALEA Standard, Section 1.3.1)

III. References: New Mexico Criminal and Traffic Law Statutes 30-2-5, 30-2-6, 30-7-2, 30-7-3; Reactive Control Model, Criminal Justice Training & Consulting, Copyright 1988-1993; Commission on Accreditation for Law Enforcement Agencies; International Association of Chiefs of Police; New Mexico Municipal Law Enforcement Professional Standards Council, First Edition 2002, Amended June 2007.

IV. Definitions: **Authorized Firearm:** Any make, model or caliber of firearm that meets the Department's requirements and specifications, and has been formally approved by the Chief of Police or his designee for general or individual use by commissioned personnel. This includes primary service handguns, alternate service handguns, backup handguns, off-duty handguns, shotguns, and rifles used for law enforcement purposes.(New Mexico Standard ADM.06.01.D)

Back-up/Off-Duty Handgun: An authorized handgun other than the primary service handgun carried in an authorized concealed manner.(New Mexico Standard ADM.06.01.D)

Primary Service Handgun: The firearms authorized by the department to be carried as part of the service uniform and related equipment for uniformed personnel or the authorized firearm to be carried by plain-clothes officers.(New Mexico Standard ADM.06.01.D)

Deadly Force: Any use of force that is reasonably likely to cause death.

Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

Excessive Force: Any force which is maliciously and/or sadistically applied for the purpose of causing harm.

Reasonable Belief: Articulable facts and circumstances known to the officer at the time, which would cause another reasonable and prudent officer to act or think in a similar way under similar circumstances.

Totality of Circumstances: The articulable facts and circumstances of an incident, including the severity of the crime at issue, and whether the suspect posed an immediate threat to the safety of the officers, or others, by actively resisting arrest or by flight

Objectively Reasonable Belief: This term means that in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

Serious Physical Injury: This term means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

Electro-Muscular Disruption System: means a Conducted Energy Weapon, authorized and issued by this Department, which employs electro muscular disruption technology, causing temporary incapacitation to the individual.

V. Procedures:

General Provisions

Officers are required to register duty, backup and off duty firearms with the department, as well as any other personal firearms authorized for official use. Officers' weapons registration records are considered confidential and shall be maintained by the Administrative Assistant to the Chief of Police. (CALEA Standards, Section 1.3.9)

The Clovis Police Department reserves the right to inspect and/or approve all firearms that an officer requests to carry as a duty sidearm, as a backup or off duty weapon for quality, fitness, acceptability or condition. A command officer, supervisor, range instructor, or approved armorer may conduct such an inspection at any time. (CALEA Standards, Section 1.3.9)

Concealed firearms carried by officers when on or off duty must be an authorized firearm and carried in accordance to New Mexico Criminal and Traffic Law Statutes 30-7-2 and 30-7-3. Only department-approved ammunition may be used. (CALEA Standards, Section 1.3.9)(New Mexico Standard ADM.06.01.E)

The primary service handgun shall be carried in accordance with the policy III.13 Uniforms and Accessories and as otherwise specified by this policy.

When appearing for court officers shall comply with any firearms policy established by that governing judicial entity. Officers appearing before the court for personal business are not authorized to carry a firearm.

Officers shall be issued fresh duty ammunition in the specified quantity for authorized primary and alternate firearms once each year. A range instructor in

accordance with established policy shall dispense replacements for defective or depleted ammunition.

Generally, officers shall be issued a primary service handgun. However, officers may request authorization from the Chief of Police to carry an alternate primary service firearm or a backup firearm.

Off-Duty Firearms

Officers may, but are not required, to carry an authorized firearm while off duty. However, officers must be armed when in uniform and/or operating a marked patrol vehicle whether on or off duty.

Officers may carry an authorized firearm while off duty after the completion of the entire Field Training and Evaluation Program. Officers wishing to carry a firearm for off duty purposes, which have not completed the entire program, may carry a firearm off duty when they have:

- Completed the Field Training Phase (with a Field Training Officer) and;
- Have specifically sought and been granted authorization by the Chief of Police.

Back-up and off-duty firearms may be carried concealed when the officer is in plain clothes or in uniform unless:

- The officer is in the workplace, and the officer's badge and identification are prominently displayed.
- The officer is engaged in law enforcement actions that may reasonably require quick access to the firearm, and the officer's badge is prominently displayed.
- When armed, whether on or off duty, officers shall carry, at a minimum, their badge and commission card.

Patrol Tactical Rifles

Officers may carry personally owned rifles once qualified and the rifle meets the standards set forth in the General Order for Handgun/Rifle Specifications. Officers must be proficient and pass a rifle qualification course with a score of 80% or better to be authorized to carry the weapon.

At the beginning of the patrol watch the rifle will be examined for safety and functionality. Rifles will be carried cruiser ready. (Chamber empty, hammer down with the safety off). When carried in a marked patrol car, rifles will be secured in the provided gun rack. If the weapon is being carried in a unit that is not equipped with a rack, the weapon will be carried out of the public view in the trunk unless it is being actively utilized in response to a tactical situation.

Rifles will be equipped with the appropriate number of magazines loaded with the approved ammunition. One magazine will be inserted in the rifle. No round will be chambered.

Surrender of Weapon

Because of the inherently dangerous nature of police work, an officer may at some time become involved in a situation in which an armed adversary has a tactical advantage.

Experience dictates that under such circumstance there is generally no benefit or lessening of personal danger to the officer or anyone else to be gained by an officer surrendering his or her weapon. Therefore, it is the policy of this agency officers will not surrender their weapons to any unauthorized person except as a last resort, and only if the officer is convinced that by doing so they will save their own life or that of another person.

Firearms Qualification/Training

For the purposes of this section, firearms qualification is defined as the process by which an officer demonstrates proficiency in the handling, operating and use of a firearm, and confirms an ability to fire the weapon accurately under a variety of conditions, achieving a specified minimum score. (New Mexico Standard ADM.06.01.A)

Officers are required to successfully qualify at least annually with all firearms carried, whether personally owned or department issued. Such weapons include primary handgun, alternate handgun, backup, off-duty and rifle. (CALEA Standards, Section 1.3.10)(New Mexico Standard ADM.06.01.B)

Firearms qualification will be provided three times each year. Officers shall attend at least one of those qualification ranges and are required to achieve at least a score of 80% in order to be considered qualified. Officers shall be allowed no more than two attempts to qualify using their primary service handgun.

Officers are permitted to discharge firearms at an approved target at an approved range during qualification and training, under the supervision of a firearms instructor.

Only sworn officers shall carry firearms and shall be required to qualify with each authorized firearm. Officers who acquire a new firearm shall qualify with it prior to carrying the weapon.

Firearm qualification courses will be standardized for each classification of weapon. Qualification course requirements will be determined by the firearms instructors and approved by the Chief of Police. Specialized qualification requirements may be implemented for alternative firearms such as rifles, and off duty or backup weapons, except that an officer is not required to qualify separately with their primary handgun in order to carry it off duty.

Annually, officers authorized to carry lethal and less than lethal weapons shall receive documented in-service training and shall receive copies of the Use of Force and Weapons policies (CALEA Standards, Section 1.3.11, 1.3.12)(New Mexico Standard ADM.05.03)

Officers must qualify with their primary service handgun and additional firearms (as appropriate) following return to duty after a leave of absence of more than 180 days. This includes illness or injury that could affect the ability to use a firearm.

Officer's assigned to special tactical units, such as SWAT are required to qualify using additional proficiency standards established by their unit commander. These include, but are not limited, to: proficiency testing at night and/or in reduced light situations, in combat simulation, and when using both weak and strong hands.

Failure to Qualify

Officers are required to qualify with the primary service handgun. Officers are given two opportunities at each qualification range to qualify with the primary service weapon. If an officer is unable to qualify with the weapon at the time range qualification is held, he or she shall receive remedial training. The remedial training shall be within thirty (30) days of the failure to qualify.

The officer's supervisor shall be notified and the officer shall promptly arrange with the training coordinator for remedial firearms training. Such training does not preclude an officer from engaging in any additional practice or training sessions that the officer may deem necessary on his or her own time. (CALEA Standards, Section 1.3.11)

The officer shall be given two additional attempts to re-qualify within a reasonable period of time (generally within 30 days). A written report shall be completed by the training officer and forwarded to the supervisor of an officer who fails to re-qualify within a reasonable period of time. The report shall include the training officer's recommendations for corrective action.

Officers who fail to qualify with any back-up/off-duty weapon are prohibited from carrying the weapon until they achieve a qualifying score. Officers who fail to qualify after receiving remedial training and a subsequent opportunity to re-qualify will be placed in a non-gun carrying position pending the outcome of an administrative review and/or a fitness-for-duty evaluation, as determined by the Chief of Police or his designee. The police department reserves the right to terminate an officer for cause if they are unable to qualify with the primary service weapon.

Firearms Modification/Repairs

Modifications to any agency-authorized firearm require the written approval of the agency-designated armorer. This includes but is not limited to modifications involving grips, spring kits, sights, or finishes. Defective, unsafe, or unauthorized firearms shall be reported to the armorer.

Department armorers shall inspect and ensure that all department-owned firearms are maintained. Department armorers may assist in the inspection and maintenance of personally owned authorized weapons as resources allow. Department armorers shall not service other weapons.

It is the responsibility of officers to maintain their authorized firearm in a clean and safe operating condition.

Firearms Safety

Officers shall not consume any alcoholic beverages while carrying a firearm. Officers shall report to their immediate supervisor any use of prescription drugs

or other medication they reasonably believe would impair their ability or judgment to use a firearm.

All authorized firearms shall be carried in a safe and secure manner. If a uniformed officer chooses to carry a second handgun, it must be carried concealed in a manner that will prevent loss or accidental discharge. Plainclothes officers shall carry their primary handgun in a holster and in a manner that will prevent loss or accidental discharge. (CALEA Standards, Section 1.3.9)

Removal of firearms from their holster or other carrying devices for other than authorized purposes, such as tactical use, training and qualification, inspection, or cleaning and maintenance, is prohibited. Any careless, flippancy, or casual use or display of a firearm will constitute grounds for discipline.

Officers shall not lend, give, sell to, borrow, purchase, or accept, a firearm from a person who does not have the legal right to possess it.

Use of Force

Officers are justified in using objectively reasonable belief and appropriate force upon another person when and to the extent he reasonably believes it necessary ~~based upon the Reactive Control Model (RCM)~~ based upon the "objectively reasonable concept":

- (1) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
- (2) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape. (New Mexico Standard ADM.05.01.A.B)

Use Of Force Case Law

The United States Supreme Court, in a case entitled *Graham v. Connor*, sets forth an analytical model by which all use of force cases are reviewed. As required by *Graham*, an officer's use of force is assessed by examining the facts and circumstances known to the officer including a review of the following:

- The severity of the suspect's crimes;
- The immediacy of the threat posed by the suspect to the safety of the officers or others; and
- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

As used by *Graham*, "objectively reasonable" is much like the related concepts of reasonable suspicion and probable cause. Objective reasonableness requires more than an officer's *subjective* beliefs about a suspect and the level of threat the suspect poses. Indeed, an officer cannot base a decision to use force on a "hunch," a "feeling," or some other unquantifiable belief. This is an *objective*

test which means the officer's good faith beliefs, for taking certain action, are irrelevant.

Instead, an officer must be able to identify specific and articulable facts. Essentially, an officer must list the information he or she observed, heard, or otherwise collected ~~through reliable police channels~~ and the source of that information. Sometimes just as important, an officer must identify unknowns and why this lack of information is important to an assessment of the suspect's threat level.

Based on those specific and articulable facts, an officer can then use his or her training and experience to interpret the known information and reach a reasonable conclusion as to the level of threat posed by the suspect. Stated another way, the conclusion an officer draws about a suspect must be based on the known facts.

This process does not deal with hard certainties, but with probabilities. The use of the 20/20 vision of hindsight to analyze an officer's use of force decision is prohibited. This is why the Graham test is called objective *reasonableness*, not objective *certainty*. (New Mexico Standard ADM.05.01.A.B)

Use of Deadly Force

Officers are authorized to use deadly force in accordance with New Mexico State Statute 30-2-6 A, (1-4), (B):

- A. Homicide is justifiable when committed by a public officer or public employee or those acting by their command and in their aide and assistance:
 - (1) In obedience to any judgment of a competent court;
 - (2) When necessarily committed in overcoming actual resistance to the execution of some legal process or to the discharge of any other legal duty;
 - (3) When necessarily committed in retaking felons who have been rescued or who have escaped or when necessarily committed in arresting felons fleeing from justice; or
 - (4) When necessarily committed in order to prevent the escape of the felon from any place of lawful custody or confinement.
- B. For the purposes of this section, homicide is necessarily committed when a public officer or public employee has probable cause to believe he or another is threatened with serious harm or deadly force while performing those lawful duties described in this section. Whenever feasible, a public officer or employee should give warning prior to using deadly force. (New Mexico Standard ADM.05.01.C)(New Mexico Standard ADM.05.01.D)

To destroy an animal that represents a threat to public safety; or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes the force can be used without harm to the officer or others. The officer should make a reasonable attempt to locate and receive permission from the animal's owner. (CALEA Standard, Section 1.3.2)

Deadly Force Restrictions

Discharge of a firearm at or from a moving vehicle is prohibited if it presents an unreasonable risk to the officer or others.

Discharge of a firearm is prohibited when it appears bystanders will be injured.

Warning shots are not authorized. (CALEA Standards, Section 1.3.3)(New Mexico Standard ADM.05.02)

Use of Non-Deadly Force

Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.
(CALEA Standards, Section 1.3.4)(~~Reactive Control Model~~)

Medical Assistance/Duty to Provide Care

Whenever an officer is involved in a situation in which lethal or less lethal weapons are deployed and the result of that use is any person is injured or killed, the officer shall request medical assistance for the injured person without delay. This includes decontamination of OC spray and complaints of injuries. (CALEA Standard, 1.3.5)

The Internal Affairs Unit shall conduct an investigation any time a department member causes serious bodily injury or death to any person within our jurisdiction. The Major Crimes Unit of the 9th Judicial District, at the discretion of the Chief of Police or his designee, may conduct this investigation.

Kinetic Energy Impact Projectiles (also known as Bean Bag)

Department-approved less lethal kinetic energy impact projectiles may be used when a lesser degree of force cannot be utilized or has proven to be ineffective. Less lethal kinetic energy impact projectiles should be utilized only as a last resort prior to employing deadly force. Officers may use a less lethal kinetic energy impact projectile on a vicious animal when justified by the animal's aggressive behavior (ie. attempts to attack the officer, a citizen or another animal) and when authorized by a supervisor.

Training and qualification are required prior to utilizing less than lethal kinetic energy impact projectiles. (CALEA Standards, Section 1.3.10)

All officers who have been trained in the use of kinetic energy impact projectiles shall re-qualify every two years. (New Mexico Standard ADM.06.01.C)

An officer should never deploy a less lethal weapon or munitions without the ~~available~~ cover of adjacent lethal force.

An officer deploying less lethal kinetic energy impact projectiles shall always consider the size of the potential target (this includes any animal), the distance

from which the weapon is being deployed and the potential effect the weapon may have under these specific circumstances.

Upon arrival to a scene the officer deploying the less than lethal shall advise the other responding officers of its deployment via radio.

Oleoresin Capsicum Spray

OC may be used when a subject has signaled his intention to actively resist the officer's effort to make the arrest. Once a subject is incapacitated or restrained, OC is no longer justified.

Subjects that have been sprayed shall be decontaminated, as soon as practical, monitored continuously for indications of medical problems and shall not be left alone while in police custody. After once being secured a subject shall not be placed face down after being sprayed with OC.

The supervisor in charge of the scene must authorize the use of OC for crowd or riot control.

Impact Instrument/ASP

A department approved impact instrument/ASP may be used to overcome unarmed attack or imminent attack by a subject or for protection from an assault. Flashlights should not be considered as an offensive or defensive weapon to quell resistance unless no other adequate instrument is immediately available.

Knives

Officers may carry a knife that the blade measures three and one half inches or less. This includes utility tools such as a "leather-man" tool. Any other knife requires specific approval from the Chief of Police.

Electro-Muscular Disruption System (EMD also known as Taser)

Officers must successfully complete the departmentally approved EMD training and certification program, to include any required written and practical tests, before they are authorized to carry and use the EMD. (CALEA Standards, Section 1.3.10)

Officers who are assigned the EMD will be required to successfully complete recertification training every two years or as determined by Command Staff.

Officers must successfully complete the departmentally approved instructor EMD program, to include written and practical tests, before being assigned to serve as an EMD instructor. Ongoing training and periodic updates shall be provided, via bulletins, in-service trainings, daily briefing trainings, and/or scenario-based discussions, concerning less lethal force, including the use of EMD. (New Mexico Standard ADM.06.01.C)

The EMD shall not be altered or modified in any way.

The EMD shall be worn on the weak-side on the officer's duty belt in an authorized belt holster.

Only properly functioning and charged EMDs shall be carried. The EMD shall be inspected for damage and tested for a proper pulse rate (spark test). Any damage or improper functioning shall immediately be reported to a supervisor. Officers shall be issued two additional probe cartridges. Only department authorized cartridges shall be used. SWAT officers may be issued long range cartridges by the SWAT Team Leader for tactical deployments.

The EMD System may be used to control dangerous or violent subjects and those threatening suicide when deadly force does not appear to be justified and/or necessary; or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation it will be unsafe for officers to approach within contact range of the subject. The EMD may be used against an aggressive animal.

The EMD is intended for use as a defensive, less lethal weapon. Officers may use the EMD to incapacitate, control, and help apprehend a dangerous, violent or potentially violent subject who is actively resisting.

An officer should never deploy a less lethal weapon or munitions without the available cover of adjacent lethal force.

Only one officer will deploy the EMD on a subject, unless it is obvious the deployment was not effective.

An EMD shall not be used under the following circumstances:

On any subject who is already in handcuffs or other restraints, unless the suspect is actively resisting or exhibiting active aggression, and/or to prevent the suspect from harming himself/herself or others.

Against a person displaying passive resistance (meaning a subject offers no physical resistance to arrest, simply goes limp, or makes no overt act of aggressive behavior);

When the officer knows that flammable liquids or gases (including but not limited to alcohol-based Oleoresin Capsicum) are present:

Against a woman who is obviously pregnant; a child who, by physical stature and size appears to be under the age of 10; an individual who is visibly frail; or an elderly person (generally over the age of 65);

In a location where a fall by the suspect may cause substantial injury or death;

Against a suspect in physical control of a vehicle in motion (including but not limited to an automobile, truck, motorcycle, or ATV), except when exigent circumstances exist.

Officers should:

Give verbal commands to the suspect prior to deployment, except when the suspect, officers or citizens might be placed in jeopardy by first warning the suspect that use of the EMD is imminent;

Avoid hitting the subject in sensitive tissue areas such as head, face, neck, or groin.

Avoid deployment of the EMD against a subject operating a bicycle, skateboard, or riding on a conveyance or horse where they may fall while the vehicle/animal is in motion.

Use the EMD for one standard cycle (five seconds) and evaluate the situation. If more cycles are necessary, the number and duration of such cycles should be limited to the activations necessary to place the subject in custody. Officers shall be trained (by practical exercise) in the safe apprehension of a subject while he/she is incapacitated and under deployment of the EMD. Officers will be encouraged to make apprehension when it is safe to do so.

Officers are authorized to safely remove the EMD probes once the suspect is in custody. However, when a probe has penetrated sensitive tissue areas (groin, face, or neck) EMS will be summoned to the scene. EMS will make a determination to remove the probes or transport the suspect to the hospital.

To avoid the potential of positional asphyxia, all suspects, once handcuffed and in control, will be placed in an upright position.

After EMD use, officers will attempt to ascertain from the suspect whether preexisting medical conditions (such as history of heart problems) would warrant summoning EMS personnel to the scene. Officers should be mindful of any force deployment and the obvious signs of Excited Delirium and should seek immediate medical assistance in such situations.

Officers will notify jail personnel, at the time of booking, the subject has been struck with EMD probes or received a drive stun. An examination should be conducted by jail medical personnel to determine whether the individual has suffered any injury, either directly from the EMD discharge or indirectly, such as by falling after incapacitation.

Officers shall insure photographs are taken of the probe impact sites and any other related injuries, both before and after removal of the probes, if possible under the circumstances.

After each use, the officer shall notify the Professional Standards Unit. The Professional Standards Unit shall download the information from the EMD utilizing the data port user program into the identified computer terminal. The information shall be printed and attached as part of the Use of Force documentation.

Probes and cartridges should be handled carefully. Probes that have penetrated body tissue should be treated as biohazards and safety precautions should be used. Officers shall discard the probes into a "sharps" container and discard the cartridge appropriately.

Documentation/Review

Any officer who discharges a firearm intentionally or unintentionally during the course of their duties shall complete a written incident report and forward it to the on-duty supervisor. The report shall contain all the necessary information regarding the discharge itself.

Use of Force shall be documented on the Use of Force Report and in the narrative portion of the official police report. A "Use of Force" report is required when:

- An officer is injured during an arrest;
- A suspect is injured by an officer during an arrest, or complains that an officer caused injury during an arrest;
- Or any use of force techniques to include: wrestling a resisting subject to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand to hand confrontation, the use of a baton or other object, canine physical contact with a subject, chemical agent, or other less lethal weapon, or purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be.

A copy of the Use of Force Report shall be forwarded to the on-duty Watch Supervisor for review at the end of the watch. The reviewed copy of the report, including the supervisor's initials and the date and time reviewed, shall be forwarded through the Chain of Command as soon as possible. The Watch Supervisor shall ensure that photographs are taken of any injuries to officers or any persons who are taken into custody. (New Mexico Standard ADM.05.04.A) (New Mexico Standard ADM.26.07.A)

Officers who, in pursuance of their law enforcement duties, witness another peace officer use excessive force, in pursuance of such other peace officer's law enforcement duties, in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, shall complete a Use of Force Report and a Personnel Quality Report. Both reports shall be forwarded immediately to the Watch Supervisor.

Any officer whose application of force causes the death of any human shall be placed on administrative leave until the Chief orders otherwise. (New Mexico Standard ADM.05.04.B)

The officer shall complete all required reports before going on administrative leave. The assignment to an administrative leave shall not be interpreted to imply or suggest the officer has acted improperly. The officer shall remain available at all times for departmental interviews and statements regarding the incident.

A formal Administrative Review shall be conducted any time an officer discharges his weapon in the performance of his duties or an officer's action causes serious bodily injury or death. (CALEA Standards, Sections 1.3.6, 1.3.7, 1.3.8).

All sworn officers of this agency shall be issued copies of and be instructed in the policies described herein before being authorized to carry a firearm. (New Mexico Standard ADM.05.03)

~~The department shall adhere to the Reactive Control Model continuum of force when faced with the need to use force to affect an arrest. (New Mexico Standard ADM.05.01)~~

Title: I Chapter: 9 – Use of Force & Firearms Policy